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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 4377 of 2007

PETITIONER Balram, aged about 59 years, Son of Late Shri Dukhkhu, Resident of Kachchi Dafai, Chirmiri Collieary, District Korea (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh, Through- Secretary, Department of School Education, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. The District Education Officer, Korea, District Korea (C.G.)
3. President, Management Committee through Principal, Chirmiri Collieary Vidyalaya, Chirmiri, District Korea (C.G.)
4. The Director, Directorate, Public Institution, Pension Bada, Raipur, (C.G.)

Appearance:

Shri R.K. Jaiswal, counsel for the petitioner.

Shri Ajay Dwivedi, Panel Lawyer for the State on advance copy.

ORAL ORDER
(01.08.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

The petitioner is claiming the benefits of recommendation of 5th Pay Commission at par with the counter part in the Government Institution. It is submitted that the benefits of 5th Pay Commission was to be granted with effect from 1.1.1996 in accordance with the Madhya Pradesh Revision of Pay Rules, 1998.

Learned counsel for the petitioner submits that in the matter of Smt. A. Lall Vs. State of Chhattisgarh and other connected matters (W.P. No. 4108 of 2005), this Court has held that the teachers working in the Government Aided Schools are entitled to the benefit of recommendation of the 5th Pay Commission. He also submits that the same logic would be applicable in case of Peon.

Learned counsel for the petitioner submits that this petition may be disposed of with a liberty to the petitioner to make representation before the concerned authorities and the said authorities may be directed to consider the representation as has been ordered in many cases.

Accordingly, this petition is disposed of with a direction that if so advised, the petitioner may file representation before the concerned authorities within a period of 15 days from today along with copy of this order and copy of writ petition and the order passed in the matter of Smt. A. Lall Vs. State of Chhattisgarh and other connected matters (Supra) and if such a representation is filed that shall be decided on its own merit in accordance with law by the concerned authorities.

The petition is accordingly disposed of. No orders as to costs.

Sd/-
Sunil Kumar Sinha
Judge

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